

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

LARRY K. ALBERT, Plaintiff, v. ADVANCED DEBT COLLECTION, INC., Defendant.	CIVIL ACTION NO. 4:12-cv-139
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COMPLAINT

I. INTRODUCTION

1. This is an action brought by Plaintiff Larry K. Albert for statutory and actual damages, costs of the action, a reasonable attorney's fee and all other damages allowed by law from Defendant for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1337.

III. PLAINTIFF

3. Plaintiff Larry K. Albert is a natural person residing in North Vernon, Indiana.

IV. DEFENDANT

4. Defendant Advanced Debt Collection, Inc. ("ADCI") is a for-profit domestic corporation with its principal place of business in Indianapolis, Indiana.
5. At all times referenced herein, ADCI was operating as a debt collector in the State of Indiana as defined by 15 U.S.C. § 1692a(6).

V. STATEMENT OF FACTS

6. On or about September 13, 2012, ADCI sent Plaintiff a letter (attached hereto as Exhibit A) attempting to collect \$1,608.75 on a debt alleged to have been owed to CSL Community Association, Inc.
7. The letter states that “Advanced Debt Collection, Inc. is now the creditor.”
8. The letter also states that “Advanced Debt Collection, Inc. has been hired by **CSL COMMUNITY ASSOCIATION, INC.** to collect an unpaid balance” and that ADCI will report the account to credit reporting agencies if “**CSL COMMUNITY ASSOCIATION, INC.** has authorized us to do credit reporting.”
9. On or about October 8, 2012, Plaintiff sent ADCI a letter (attached hereto as Exhibit B) disputing that Plaintiff owed ADCI any money and asking ADCI to cease any further communications with Plaintiff concerning this alleged debt.
10. On or about October 15, 2012, ADCI sent Plaintiff a letter (attached hereto as Exhibit C, without enclosures) attempting to collect the alleged debt.
11. On or about October 23, 2012, ADCI sent Plaintiff a letter (attached hereto as Exhibit D) attempting to collect the alleged debt.

VI. CLAIMS FOR RELIEF

A. Fair Debt Collection Practices Act

12. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through eleven above.
13. ADCI violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
 - a. Falsely representing the amount and legal status of a debt, in violation of 15 U.S.C. § 1692e;
 - b. Attempting to collect an amount not expressly authorized by the agreement creating the debt or permitted by law, in violation of 15 U.S.C. § 1692f; and
 - c. Communicating with Plaintiff after Plaintiff notified ADCI that Plaintiff wished ADCI to cease further communication with Plaintiff, in violation of 15 U.S.C. § 1692c(c);
 - d. Failing to send Plaintiff a notice, within five days after the initial communication, that contains disclosure of the name of the creditor to whom the debt is owed, in violation of 15 U.S.C. § 1692g(a).

14. As a result of the violation of the Fair Debt Collection Practices Act, ADCI is liable to Plaintiff for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendant in an amount that will compensate him for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,

s/ Robert E. Duff

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